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PETA
PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS

HEADQUARTERS
501 FRONT STREET
NORFOLK, VA 23510
TEL 757-622-PETA
FAX 757-622-0457

Mr. Stephen Johnson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, 1101 -A
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Subject: Public Comments on the Synthetic Organic Chemical Manufacturers Association Biphenyl Work Group's Revision to the HPV Challenge Program Test Plan for Biphenyl.

The following comments on the Synthetic Organic Chemical Manufacturers Association (SOCMA) Biphenyl Work Group's Revision to the HPV Challenge Program Test Plan for Biphenyl are submitted on behalf of People for the Ethical Treatment of Animals, the Physicians Committee for Responsible Medicine, the Humane Society of the United States, the Doris Day Animal League, and Earth Island Institute. These health, animal protection, and environmental organizations have a combined membership of more than ten million Americans.

We are very concerned that, in its July 21, 2006 revision to the biphenyl test plan, SOCMA is now proposing to conduct new *in vivo* genotoxicity testing. This clearly contradicts the principles laid out for the HPV Program in both the EPA's October 1999 letter to chemical sponsors and its December 2000 *Federal Register* notice on the program, which state that *in vivo* genotoxicity testing should be conducted only when known chemical properties preclude the use of *in vitro* testing. Since SOCMA's test plan cites a total of 17 *in vitro* genotoxicity tests, it is clear that biphenyl's chemical properties do not preclude their use. Furthermore, EPA's comments to the original test plan specifically recommend an *in vitro* test following OECD 473.

In the initial test plan, SOCMA proposed no new genotoxicity testing noting that the weight of evidence approach suggests that biphenyl has little genotoxic activity. EPA did not consider the submitted data for chromosomal aberrations to be adequate for the purposes of the HPV Challenge Program. EPA suggested providing a robust summary for an *in vitro* chromosomal aberration study identified in the test plan (Sofuni et al., 1985) in which positive results were observed with metabolic activation. Alternatively, EPA recommended conducting an *in vitro* chromosomal aberration test following OECD 473. Although SOCMA did provide a robust summary for this 1985 study in its revised test plan, it notes that the original document is written primarily in Japanese, and it includes only a 1998 method by the Japan Chemical Industry Ecology-Toxicology & Information Center which it claims reflects the method used in the 1985 test. This summary adds little to the evidence already evaluated by the EPA prior to its recommendation. In its response to EPA's comments, SOCMA also notes that it

was unable to find additional info on an *in vivo* study identified in the test plan (Kawachi et al., 1980). None of this supplementary information in any way justifies disregarding EPA's recommendation and instead conducting an *in vivo* test.

In summary, if additional data for the chromosomal aberration endpoint is required, an *in vitro* test following OECD 473, using human lymphocytes or an established cell line, must be conducted – per the *Federal Register* instructions and EPA's specific recommendation – rather than an *in vivo* genotoxicity test which will cause the suffering and death of approximately 80 animals. Thank you for your attention to these comments. I may be reached at 610-586-3075, or via e-mail at josephm@peta.org.

Sincerely,

Joseph Manuppello
Research Associate
Research & Investigations
People for the Ethical Treatment of Animals

KawachiT, Yahagi T, Kada T, Tazima Y, Ishidate M, Sasaki M, Sugiyama T. 1980. Cooperative programme on short-term assays for carcinogenicity in Japan. In: Montesano R, BartschH, Tomatis L, eds. *Molecular and cellular aspects of carcinogen screening tests*. Lyon, International Agency for Research on Cancer, pp. 323-330 (IARCScientific Publications No. 27).

Sofuni T, Hayashi M, Matsuoka A, SawadaM, HatanakaM, Ishidate M. 1985. Mutagenicity tests on organic chemical contaminants in city water and related compounds. II. Chromosome aberration tests in cultured mammalian cells. *Eisei Shikensho Hokoku*, 103:64-75.